

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OPAL HARGER, *et al.*

Plaintiffs,

v.

U.S. DEPARTMENT OF LABOR,
and THE NATIONAL INSTITUTE
OF OCCUPATIONAL SAFETY
AND HEALTH,

Defendants.

NO. CV-06-5071-RHW

**ORDER DENYING MOTION TO
ENFORCE FOIA REQUESTS
*INTER ALIA***

Before the Court are Plaintiffs' Motion to Enforce FOIA Requests (Ct. Rec. 86), Motion for Leave to File Excess Pages (Ct. Rec. 95), Motion for Equitable Lien and Temporary Injunction (Ct. Rec. 96), Motion to Expedite Hearing (Ct. Rec. 99), and Motion to Amend Motion for Equitable Lien and Temporary Injunction (Ct. Rec. 101). A telephonic hearing was held on October 26, 2007. Plaintiffs were represented by Tom Foulds; Assistant United States Attorney Rolf Tangvald appeared on behalf of Defendants.

At the hearing, Mr. Foulds explained that for various reasons he was withdrawing Plaintiffs' Motion to Enforce FOIA Requests. He then focused on Plaintiffs' Motion for Equitable Lien and Temporary Injunction. However, this motion was filed only two days before the hearing, and Defendants had not had the opportunity to respond. The Court therefore denied Plaintiffs' request for a temporary injunction pending response from Defendants and a better opportunity

ORDER DENYING MOTION TO ENFORCE
FOIA REQUESTS *INTER ALIA* * 1

1 to consider the request. The Court instructed Mr. Foulds that he could file another
2 motion and to note it for hearing in a period of time that will permit proper
3 consideration.

4 Accordingly, **IT IS HEREBY ORDERED:**

5 1. Plaintiffs' Motion to Enforce FOIA Requests (Ct. Rec. 86) is **DENIED**
6 **as moot.**

7 2. Plaintiffs' Motion for Leave to File Excess Pages (Ct. Rec. 95) is
8 **GRANTED.**

9 3. Plaintiffs' Motion for Equitable Lien and Temporary Injunction (Ct. Rec.
10 96) is **DENIED in part.** Plaintiffs are instructed to file a new motion for an
11 injunction if they so desire and note it in such a way as to provide Defendants
12 opportunity to respond.

13 4. Plaintiffs' Motion to Expedite Hearing (Ct. Rec. 99) is **GRANTED.**

14 5. Plaintiffs' Motion to Amend Motion for Equitable Lien and Temporary
15 Injunction (Ct. Rec. 101) is **GRANTED.**

16 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
17 Order and to provide copies to counsel.

18 **DATED** the 26th day of October, 2007.

19 *S/ Robert H. Whaley*

20 ROBERT H. WHALEY
21 Chief United States District Judge

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